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OUTLINE OF CONDITIONS IN THE TRUST TERRITORY OF THE PACIFIC ISLANDS

Working paper prepared by the secretariat

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TRUST TERRITORY OF THE PACIFIC ISLANDS*

I. GENERAL

A. Land and people

1. The Trust Territory of the Pacific Islands consists of three archipelagos: the Marshalls, the Carolines and the Marianas. The island of Guam in the Marianas is not a part of the Trust Territory but is an unincorporated Territory of the United States of America. The three archipelagos include more than 2,100 islands and atolls scattered over an area of some 7.8 million square kilometres of the western Pacific, north of the equator. The islands and atolls of the Trust Territory have a combined land area of approximately 1,854 square kilometres.

2. According to the 1986 estimates, 1/ the population of the Territory totalled 168,431. The distribution of the population in the Trust Territory was as follows: Federated States of Micronesia, 94,534; Marshall Islands, 39,060; Northern Mariana Islands, 21,065; and Palau, 13,772. In 1989, according to the current annual report of the Administering Authority, 2/ population estimates for Palau were 14,206.

B. War damage claims

3. War damage claims by the inhabitants of the Trust Territory fall into two broad categories: claims against the Governments of the United States of America and Japan mainly for damages sustained by the indigenous inhabitants during the Second World War (Title I claims); and post-war claims against the Government of the United States (Title II claims).

4. The Micronesian Claims Commission, which was established in 1971 with authority to receive, examine, adjudicate and render decisions on war damage claims, completed its work in July 1976. The total amounts awarded by the Commission were $34,349,509 3/ under Title I and $32,634,403 under Title II. According to statements by the Administering Authority at previous sessions of the Trusteeship Council, all claims under Title II had already been settled. With regard to the claims under Title I, the Government of Japan and the Government of the United States had, in an agreement signed in 1969, joined in an ex gratia arrangement to make available a contribution of $5 million each towards the welfare of the inhabitants of the Territory. Consequently, that payment by the two Governments reduced the outstanding war claims under Title I to $24,349,509.

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* Unless otherwise noted, the information contained in the present report has been derived from the current annual report of the Administering Authority to the Trusteeship Council (see note 2) or from previous reports.

5. At its fifty-second session, 4/ the Trusteeship Council had expressed concern that the problem of unpaid war claims remained to be settled and that it continued to be a matter of some aggravation in the Trust Territory. The Council looked forward to early progress on the matter. In its annual report to the Trusteeship Council, at its fifty-third session, 5/ the Administering Authority had stated that, of the total claims awarded under Title I, pro rata payments of 26.6 per cent had been made since total funding had not yet been made available.

6. According to the 1987 annual report of the Administering Authority, 6/ budgetary provision of $12.5 million had been made to pay 50 per cent of the balance due under Title I war claims.

7. In its 1988 and 1989 annual reports, the Administering Authority states that processing of awards was transferred in 1983 from the Trust Territory headquarters to the United States Department of the Interior. During 1988, a system was established to distribute the balance of the $22 million still outstanding and distribution began in that year. The balance due for complete payment of the war claims obligations (about $10 million) was appropriated in the fiscal year 1989 budget and combined with the fiscal year 1988 appropriation. Payment of those claims will close both the Title I and Title II war claims, except for checks that have been returned unnegotiated and redeposited in the United States Treasury.

II. POLITICAL ADVANCEMENT

A. General political structure

8. The Trust Territory of the Pacific Islands is composed of the Federated States of Micronesia, the Marshall Islands, the Northern Mariana Islands and Palau. The Northern Mariana Islands functioned under Secretarial Order No. 2989, which separated it from the rest of the Trust Territory for administrative purposes. The other three Governments had operated under Secretarial Order No. 3039, as amended, which recognized their constitutional Governments.

9. Secretarial Order No. 3039 was superseded by Secretarial Order No. 3119 of 10 July 1987, as amended on 14 January 1988, under which the Administering Authority continues to act as Administering Authority until the Trusteeship Agreement 7/ becomes inapplicable to the Trust Territory of the Pacific Islands.

10. According to the report of the Administering Authority, the Office of the High Commissioner was abolished on 10 July 1987 and its remaining responsibilities transferred to the Department of the Interior at Washington. A residual Office of the Transition with a staff of 10 is located in the Northern Mariana Islands to complete property transfers and programmes.

11. In the 1987 annual report, the Administering Authority stated that under the new status arrangements, the Marshall Islands and the Federated States of Micronesia are now "sovereign and self-governing" and that the Northern Mariana Islands is "self-governing" (see also sect. VI).

12. According to previous reports of the Administering Authority, all four Governments are members of the South Pacific Commission (SPC) and associate members of the Economic and Social Commission for Asia and the Pacific (ESCAP). Some have observer status or membership in the Asia Pacific Parliamentarians Union, the South Pacific Bureau of Economic Co-operation, the Association of Pacific Island Legislators, the South Pacific Forum and the Forum Fisheries Agency (FFA).

13. Regional Governments which offer training assistance include those of Japan, Australia and New Zealand.

B. Territorial government*

Legislatures

14. According to previous reports of the Administering Authority, legislative power in the Federated States of Micronesia rests with the Congress, which consists of 11 members elected for two-year terms from congressional districts in each state apportioned by population and four members elected on the basis of state equality for four-year terms.

15. In the Marshall Islands, legislative power is vested in the Nitijela, which consists of 33 members and is assisted by a Council of Chiefs. A general election is held every four years.

16. In the Northern Mariana Islands, the Commonwealth Legislature is a bicameral body consisting of a Senate and a House of Representatives. The Senate has 9 members and the House of Representatives has 14.

17. The legislative power in Palau is vested in the Olbiil Era Kelulau (National Congress), consisting of a House of Delegates and a Senate, whose members are elected for a four-year term. The third Olbiil Era Kelulau took office in January 1989. There are 16 delegates, one from each of the states of Palau. Senators represent geographical districts determined according to population by a reapportionment commission. Reapportionment plans are drawn every eight years and prescribe the number of senators to be elected during the period the plan is in effect. At present, there are 14 senators consisting of 4 from the northern part of Palau, 9 from Koror and 1 from the southern islands.

Executive

18. According to earlier reports submitted by the Administering Authority, in the Federated States of Micronesia, executive power is vested in a President who is elected by the Congress for a term of four years. The Vice-President, elected in the same manner, serves for the same term of office.

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* Information contained in parts B, C and D of the present section regarding the Federated States of Micronesia, the Marshall Islands and the Northern Mariana Islands has been derived from previous reports of the Administering Authority.

19. In the Marshall Islands, executive authority is vested in the Cabinet, whose members are collectively responsible to the Nitijela. The Cabinet consists of the President, who must be a member of the Nitijela, and from 6 to 10 other members of the Nitijela, appointed as ministers by the Speaker on the nomination of the President.

20. Executive authority in the Government of the Northern Mariana Islands is vested in a Governor, who is assisted by a jointly elected Lieutenant-Governor and by heads of executive departments.

21. Executive power in Palau is vested in a President who is elected for a four-year term. The Vice-President, elected in the same manner, is an ex officio member of the Cabinet. A Council of Chiefs advises the President on matters concerning traditional laws and customs. Elections for the national government were held in Palau on 2 November 1988. The campaigning and voting took place peacefully and without problems. Of the seven candidates for President, Mr. Ngiratkel Etpison, the winner, obtained 25 more votes than his nearest rival. A court challenge by the runner-up was withdrawn. There was a smooth transfer of power from the interim government led by Vice-President Thomas O. Remengesau in January 1989.

C. State or municipal governments

22. In the Federated States of Micronesia, Kosrae, Pohnpei, Truk and Yap State now operate under state Constitutions. Each state has a governor, who is the chief executive, as well as legislative and judicial branches.

23. The Constitution of the Marshall Islands recognizes the right of each populated atoll or island to a system of local government.

24. The Commonwealth of the Northern Mariana Islands is divided into four municipal jurisdictions, each headed by an elected mayor.

25. Palau is composed of 16 states, which were formerly clusters of loosely linked hamlets.

D. Civil service

26. The Constitution of the Federated States of Micronesia provides for the establishment of executive departments by statute. The President, with the advice and consent of the Congress, appoints the principal officers of those departments and such other officers as may be provided for by statute.

27. Under the Marshall Islands Constitution, the civil service comprises the employees necessary to assist the Cabinet in exercising executive authority. The Constitution also contains provisions for the establishment of a civil service commission.

28. The Constitution of the Northern Mariana Islands provides for a civil service system, which operates under the Civil Service Commission. The Commission administers personnel policies for the Government.

29. The Constitution of Palau provides for the appointment of national officers by the President with the advice and consent of the Senate. According to the current annual report, 1,663 persons were employed by the Government of Palau during the period under review.

E. Political education

30. According to the report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, February 1990, 8/ the plebiscite was preceded by a political education programme carried out by a Political Education Committee, which represented a broad spectrum of Palauan public opinion. Under Republic of Palau Public Law No. 3-10, enacted by the Olbiil Era Kelulau the Committee was mandated to inform and educate the people of Palau in an impartial manner on the contents of the Compact of Free Association and its subsidiary agreements, as well as of relevant United States legislation.

31. During its visit, the mission was informed that members of the Political Education Committee had visited all parts of Palau, as well as Palauan communities overseas. At the Mission's public meetings, in response to questions by Mission members about the presentations made by the Political Education Committee, the general view of the participants was that the political education programme had been conducted in a factual and unbiased manner. That was acknowledged even by opponents of the Compact, although some claimed that Committee members had given more attention to the benefits of the Compact than to what they regarded as its drawbacks.

32. According to the report of the 1990 Visiting Mission, copies of the Compact, the earlier subsidiary agreements and of the Guam Accord were freely available in both English and Palauan. Copies of all the political education material were made available to the Mission.

33. The Visiting Mission concluded that it had no doubt that, in general, the people of Palau had understood the purpose of the plebiscite and the question they were being asked. It considered that the people were by that time very familiar with the electoral process. Inevitably, not every individual had a full grasp of every detail of the Compact and the related agreements, but it was clear that Palauans at least had an adequate understanding of the underlying issues and of the implications of the Compact for their future. The Mission concluded that that was due in part to the Political Education Program, in part to the cumulative effect of previous plebiscites and to the activities of influential leaders on both sides, and in part to the high level of political awareness of the electorate.

F. Judiciary

34. According to the previous annual reports, the Trust Territory Judiciary originally included the High Court, seven district courts and a number of community courts. The Chief Justice had certified the new courts of record in the former districts, and all district and community courts had been phased out.

35. After the Compacts of Free Association with the United States were implemented with the Marshall Islands on 21 October 1986 and with the Federated States of Micronesia and the Commonwealth of the Northern Mariana Islands on 3 November 1986, the Trial Division of the High Court no longer had jurisdiction over new lawsuits filed in those new political entities. However, the Compacts provided for the continuing jurisdiction of pending lawsuits, all of which have now been completed.

36. According to the current annual report, during the year under review, the Trust Territory High Court remained in existence although there were no active cases. The former Chief Justice of the High Court was appointed Federal District Judge in the Northern Mariana Islands. The District Judge was appointed temporary Justice of the High Court and other temporary judges may be appointed as required.

37. Judicial power in Palau is vested in a Supreme Court, a National Court and such lower courts of limited jurisdiction as may be established by law.

38. On 10 July 1987, Secretarial Order No. 3119 from the Department of the Interior provided that "the Appellate Division of the High Court of the Trust Territory of the Pacific Islands shall retain jurisdiction ... to entertain appeals from the Appellate Division of the Supreme Court of Palau with respect to suits ... as regards the administration of the Trust Territory". On 14 January 1988, by an amendment to Secretarial Order No. 3119, it was declared that rulings of the courts of Palau would be conclusive on questions of local Palauan law, except in cases to which the Government of the Trust Territory of the Pacific Islands or the Government of the United States, its agencies or military or civilian personnel were parties.

39. According to the current annual report, during the period under review, the judicial system in Palau included the Supreme Court consisting of an Appellate Division and a Trial Division, the National Court and the Court of Common Pleas. The Supreme Court is composed of a chief justice and not less than three or more than six associate justices who are members of both divisions. All appeals are heard by at least three associate justices. Matters before the Trial Division may be heard by one justice, except for murder cases when two or more special judges are appointed for specified terms. Under the Palau Constitution, a judge may not hear an appeal of a matter heard by him in the Trial Division. The National Court consists of a presiding judge and such other judges provided for under the Palau Constitution. The Court of Common Pleas consists of a senior judge and an associate judge.

40. According to the current annual report, the Ministry of Justice in Palau is charged with the maintenance of domestic security and law enforcement. The Ministry is headed by a Minister of Justice appointed by the President with the

advice and consent of the Senate. The post is currently unfilled because of political divisions between the President of Palau and the legislature.

III. ECONOMIC ADVANCEMENT

A. General economy

41. At its fifty-sixth session, the Trusteeship Council noted that the people of the Trust Territory, in the exercise of their right to self-government as set out in Article 76 b of the Charter of the United Nations, had elected to assume full responsibility for administration in the economic, social and educational fields. 9/

42. According to the report of the Administering Authority, during the year under review, the people of the Trust Territory continued their progress in the exercise of self-government and responsibilities for the full administration of their social, economic and education obligations.

43. At its fifty-sixth session, the Trusteeship Council also had considered that any difficulties over the interpretation of the new status agreements should be resolved bilaterally by the parties concerned in accordance with the procedures mutually agreed upon and laid down in the relevant new status agreements. 9/

44. According to its current annual report, the Administering Authority agrees to abide by the procedures referred to above.

45. At its fifty-sixth session, the Trusteeship Council noted the particular concern of the Government of Palau about poaching by foreign fishing vessels. It requested the Administering Authority to give due consideration to ways and means of assisting Palau to resolve that problem. 9/

46. In that regard, the Administering Authority in its current annual report states that the United States Coast Guard has provided a training programme in basic maritime law enforcement and has donated $6,000 worth of police equipment to Palau's fisheries enforcement agency. In addition, the Coast Guard is scheduled to decommission its Guam-based 95-foot patrol boat, Cape George, and turn it over to the Government of Palau in 1990, at the same time providing on-the-job training for the Palauan crew. Additional training programmes in fisheries law enforcement, search and rescue and boating safety are scheduled for fiscal year 1990.

47. According to the current annual report, the Palau Bureau of Foreign Affairs continued to participate in international and regional organizations, from which it received primarily technical assistance for socio-economic development. International organizations and agencies of the United Nations system continued to make available such assistance as training, workshops, conferences and consulting services to improve the skills of Palau's work-force. Assistance or training programmes were available from: United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), United Nations Population Fund (UNFPA), International Labour Organisation (ILO), Food and Agriculture Organization of the United Nations (FAO), United Nations Educational, Scientific and Cultural

Organization (UNESCO), World Health Organization (WHO), International Maritime Organization (IMO) United Nations Industrial Development Organization (UNIDO) and United Nations Commission on Transnational Corporations (UNCTC). Regional organizations that made assistance available to Palau include the Asia Productivity Organization, ESCAP, SPC, FFA, the Overseas Fisheries Co-operative Foundation and the Asia Pacific Telecommunity.

B. Public finance

48. Funding for government operations in the Trust Territory is derived mainly from an annual grant provided by the Department of the Interior. The second and third largest sources of income are federal grants and revenues locally collected from taxation. Total revenues during fiscal year 1988/89 (1 October 1988 to 30 September 1989) amounted to $45.7 million, which balanced annual expenditures ($45.7 million) for the same period. For 1988/89, the grant from the Administering Authority to the Trust Territory totalled approximately $36 million, of which $14.7 million represented funds from the Department of the Interior, $9.7 million was federal grants and $12.4 million was Capital Improvement Program funds.

49. Local revenues amounted to $9 million, derived mainly from taxes and reimbursements for the use of public utilities.

50. Palau's total revenue for 1988/89 amounted to approximately $23 million, of which approximately $14.7 million was derived from the Department of the Interior and $8.8 million from taxes and payments for utilities. During the same period, expenditures amounted to approximately $23.2 million, leaving a budgetary deficit of approximately $469,000.

51. The total accumulated value of Palauan government property at the end of 1988/89 was estimated at $13 million, while personal property, exclusive of the value of land and improvements, was estimated at $13.4 million.

52. According to the current annual report, the Trust Territory Office of the Transition was responsible for monitoring disbursements of categorical grants that had not yet been completely transferred to the constitutional Governments. However, virtually all other functions of programme management and financial administration were performed by the Palauan Government.

C. International trade

53. During 1988/89, exports from Palau were valued at $556,000; imports for the same period amounted to approximately $5 million.

D. Land

54. According to the 1986 report on the Trust Territory, titles to all public lands previously held by the High Commissioner of the Trust Territory had been transferred to the four constitutional Governments.

E. Agriculture and forestry

55. Subsistence farming is the main agricultural activity throughout the Trust Territory. Various regional and international organizations, notably UNDP, FAO and SPC, provide assistance on crop research, market development and livestock production.

56. In 1989, sales of vegetables, fruits, staple crops, eggs, meat and processed food in Palau amounted to $449,853, compared with $617,716 during the previous year. Local production of agricultural commodities, however, increased to 162,588 kilograms during 1989 compared with 124,331 kilograms in 1988, while imports decreased from 1,775,625 kilograms in 1988 to 1,519,555 kilograms in 1989.

57. The Palau Agriculture Revolving Fund, financed by the Palau legislature to assist small farmers with tools and supplies, recorded sales of $103,092 during 1989, compared with $54,000 during the previous reporting period.

58. In 1989, poultry producers raised 10,500 fowls. Hogs, cattle and goats are also raised for local consumption.

59. During 1988/89, the United States Forest Service made a grant of $32,000 to the Palau Forestry Agency and sponsored three forestry-related programmes. The forestry nursery distributed 5,000 seedlings to farmers, schools and individuals.

F. Marine resources

60. The Palau Maritime Authority is a semi-autonomous government agency created to negotiate foreign fishing agreements to allow tuna fishing within Palau's 200-mile exclusive economic zone. It also manages and regulates living marine resources within the zone. The agreements negotiated by the Authority have to be approved by the Palau National Congress before they become effective. During the period under review, five foreign fishing agreements were in effect. Under the agreement with the Fisheries Association of Japan, the Authority allowed up to 290 fishing vessels to fish in Palau's 200-mile exclusive economic zone for a cash fee of 70 million yen. The Multilateral Fisheries Treaty with the United States (a fisheries treaty between the Government of the United States and several Governments of the South Pacific, including Palau) was administered and monitored by FFA. Under the agreement with the Palau International Traders Inc., a locally registered corporation, only 14 fishing vessels were issued fishing licences. The remaining two agreements were with local Palauan corporations, with expected lump sum revenues of $18,750 and $25,000.

61. During the reporting period, the Palau Federation of Fishing Associations marketed 201,700 kilograms of fish valued at $380,938 for the seven fishing co-operatives in Palau. Of that total amount, some 25,000 kilograms of fish valued at $76,000 were exported to Guam.

62. During the same period, the Palau Division of Marine Resources continued several projects to evaluate and assist fishery production. Other ongoing projects

funded by grants-in-aid from Japan and the United States Department of Commerce include assistance to subsistence fishing.

63. Ten refrigeration plants, acquired through a grant-in-aid from Japan were repaired. According to the current report, ice needed for fishing activities is now abunbdant in the villages.

64. The Micronesian Mariculture Demonstration Center (MMDC), a Palauan government facility, offers on a continuous basis a 30-day training course on Giant Clam Mariculture. It also offers a summer course to college-bound Palauan high school students, and visiting research experts present seminars on an ad hoc basis. During the period under review, it trained 50 Pacific Islanders. In 1989, MMDC received $127,000 from the United States Department of the Interior and $23,000 from the Government of Canada. More than 300,000 seed clams were produced and 30 shipments were sent to other Pacific Island countries. Revenue from clam seed sales and training amounted to $60,000 during 1988/89.

G. Industry, construction and public works

65. With the diversification of Palau's economic base, the number of private enterprises has continued to grow. In 1989, there was a total of 2,275 business establishments, compared with 1,902 in 1988. The Foreign Investment Board of Palau approved 13 business applications and rejected 6. Construction, transportation and services accounted for most of the private activities.

66. In 1986, the National Power Plant at Aimeliik (IPSECO power plant) began operations, reaching 50 per cent of the population. During the period under review, it operated continuously without major problems, although a number of power outages were recorded, mostly owing to obstructions in the distribution system. The monthly average energy generated was 3.8 million kilowatts, with an average daily peak load of 6,400 kW. Monthly fuel consumption amounted to 1.0 million litres. According to the current annual report, the older power station at Malakal has been refurbished and capacity output has been maintained.

67. The Palau Water Branch provides water 16 hours a day to Koror, the capital, and nearby areas, currently providing water to some 10,000 persons living within the service area. The daily amount pumped remains insufficient to meet the water demand. According to the current annual report, the primary reasons for the shortfall are leakage, poor water conservation and misuse of water resources. A project valued at $1.3 million to modify the water system is expected to be completed in 1990.

68. The sewerage system in Palau now serves some 4,000 to 5,000 people living in Koror or adjacent areas. The Trust Territory Government has provided $158,000 for repairs to the system. The United States Environmental Protection Agency (EPA) has funded a study costing $69,500 and has provided $484,250 for a rural sanitation project that is currently under way.

H. Tourism

69. The Micronesian Regional Tourism Council, a private, non-profit organization, serves as a co-ordinating agency for promotional and other tourist-related activities in the Trust Territory.

70. During the period under review, the number of tourists to Palau, mostly from Japan and the United States appeared to increase. During the first nine months of 1989, arrivals totalled 21,591, compared with 22,675 arrivals in 1988. Hotel and motel accommodations increased from 323 rooms in 1988 to 386 rooms in 1989.

I. Transportation and communication

71. The Micronesian Shipping Commission, composed of members from the Federated States of Micronesia, the Marshall Islands and Palau, continues to regulate shipping service operations in Micronesia. Regular shipping service to the west coast of the United States and Japan is provided by four shipping companies.

72. Domestic surface transportation between Koror and outlying states is mostly by boat. The Government of Palau also operates a marine patrol boat and a landing craft facility. There were 461 outboard motor boats in Palau during the period under review.

73. In 1989, there were 64 kilometres of paved roads and 2,582 registered motor vehicles in Palau.

74. The Palau International Airport has a 2,195-metre asphalt runway. At present, Continental Air Micronesia is the only international carrier to serve Palau, with 13 regular weekly flights. There are occasional charter flights from Japan by Japan Airlines and All Nippon Airways. In addition, one local airline operates between Koror and the outlying states of Angaur and Peleliu.

IV. SOCIAL ADVANCEMENT

A. Human rights

75. The inhabitants of the Trust Territory are guaranteed, inter alia, the following basic human rights and fundamental freedoms as set forth in the Trust Territory Code and the constitutions of each of the national and state governments that make up the Trust Territory: freedom of religion, of speech and of the press; the right of assembly and the right to petition; no slavery or involuntary servitude; protection against unreasonable search and seizure; no deprivation of life, liberty or property without due process of law; no discrimination on account of race, sex or language; writ of habeas corpus; protection of trade and property rights; and due recognition of local customs. The right of petition is granted and inhabitants have petitioned the United Nations and the Administering Authority.

76. Women in the Trust Territory are equal to men under the law. They have equal access to courts and equal rights to own property, to control earnings, to act as guardians, to engage in business, to hold public office and to vote. According to the current annual report, the strength of local custom may influence the exercise of these rights to varying degrees.

B. Medical and health services

77. The centre of Palau's health system is the 68-bed MacDonald Memorial Hospital located at Koror, where 68 per cent of the population resides. With the improvement of the road infrastructure, some 79 per cent of the population has easy access to the hospital.

78. Residents outside the centre rely for primary care on 13 dispensaries located in 12 of the 16 states of Palau and travel to the hospital for secondary and more sophisticated care. Travel time between the outlying areas and the hospital at Koror ranges from 20 minutes to two hours by boat or plane, depending on tide, weather conditions and distance. Conditions of the outlying dispensaries staffed by health assistants, range from poor to fair and functional. The Southwest Islanders, numbering approximately 150 people, must wait for field-trip ships to travel to the centre for care. There is daily contact via short-wave radio to the communications centre and the hospital, however. Emergency evacuations for Southwest Islanders are made as necessary.

79. According to the current annual report of the Administering Authority, the staff, equipment and facilities at the hospital are not fully adequate for primary and secondary care. Patients with more complicated illnesses requiring secondary and tertiary care (46 during the period under review) are referred to facilities in Guam and Hawaii. The Government of Palau pays for half the cost of medical care, while the patient is responsible for the other half, plus transportation and off-island living expenses. No patient is refused medical referral, however, if unable to pay his or her share of the expenses.

80. According to the current annual report of the Administering Authority, construction was under way on a new health facility to replace the MacDonald Memorial Hospital at Koror. Over 60 per cent of the funding had been approved by the United States Congress.

81. During the period under review, total expenditures for health care in Palau amounted to $3.1 million. Funding was derived mostly from United States federal grants, the Government of Palau, WHO, UNFPA and UNICEF.

82. Medical care is provided by 6 fully qualified doctors, 5 medical officers, 5 registered nurses, 48 graduate nurses, 15 practical nurses and 19 health assistants.

83. In 1989, daily care was provided to the dental clinic by two dental officers, four nurses, one laboratory technician, one dental assistant and five assistant trainees. Nurses visit schools regularly to administer a fluoride mouth-rinse programme, conduct dental health education and make field trips to outlying states to provide dental care.

84. According to the current annual report, there are many shortcomings in the Palau health system. Equipment is old and parts are difficult to acquire. Drugs are in short supply owing to financial constraints, although there were improvements in 1988/89. Many of the medical and dental staff are nearing retirement age and only three Palauans are known to be attending medical school abroad. Many Palauan nurses choose to earn more lucrative salaries abroad. The report concludes that there is limited scope for continuing education of medical, dental, nursing and other health professionals.

85. The leading causes of death in Palau in 1989 continued to be circulatory and respiratory diseases. There was a total of 112 deaths in 1988, an increase of 16 over the previous year. During the reporting period, there were 294 live births or a crude birth rate of 20.7 per 1,000, and 8 infant deaths or an infant mortality rate of 27.4 per 1,000. No maternal deaths have occurred in the last 10 years in Palau.

86. The United States Public Health Service, the Communicable Disease Control Agency and EPA co-operate with the Trust Territory in providing some laboratory services, special grant assistance and environmental and epidemiological consultation. Each year a number of consultants are provided to the Trust Territory by the United States Public Health Service, the Energy Resources Development Agency, United States federal agencies, WHO, SPC, the Tripler Army Medical Center, Letterman Hospital, the Naval Regional Medical Center on Guam, the School of Public Health, the Nursing School of Medicine of the University of Hawaii and other institutions in the United States. These organizations continue to offer training opportunities through fellowships and in-service training seminars.

87. The Trust Territory is affiliated with WHO, Western Pacific Region, and actively supports and subscribes to the International Sanitary Regulations and makes epidemiological reports to WHO. WHO and the health section of SPC provide technical assistance upon request. All aspects of collaboration with WHO were transferred to the four constitutional Governments in July 1986. Each of the Governments now has direct agreements with SPC, UNICEF, UNFPA and ESCAP. Maternal and child health care, family planning programmes and communicable disease control are available. Federally funded programmes raised the immunization level for all children between one and six years of age to 95.8 per cent against the seven vaccine-preventable diseases.

C. Community development

88. The Palau Bureau of Community Services provides youth development programmes, circulates video programmes on the dangers of drugs and alcoholism, is responsible for identifying and protecting the cultural and historical heritage of Palau and serves as a focal point for women's interests.

89. The Palau Social Security System has now been in operation for two years. It is administered by five Board members appointed by the President and confirmed by the Senate of the Olbiil Era Kelulau. Additions to the system in 1988/89 amounted to $1,871,867. Around 69.15 per cent of the total was collected from 240 employers

and 5,595 employees who contributed to the system. Around 29.39 per cent is net income from funds invested in stocks and bonds and other marketable securities outside Palau. An employer's annual contribution is 3 per cent of up to a maximum of $2,000 paid to an employee each calendar quarter; an employee's contribution is 3 per cent of up to a maximum of $2,000 each calendar quarter. Currently there are 863 beneficiaries receiving social security payments.

90. According to previous reports, in May 1988, Palau experienced a dengue fever epidemic, which led to an overcrowding of hospital wards. Consultants, an epidemiologist and experts from the United States Center for Disease Control, as well as regional physicians, visited Palau to assist in bringing the epidemic under control. The current annual report states that two deaths occurred owing to this outbreak; no new cases have been reported since July 1989.

91. According to previous reports, the Department of Defense Civic Action Program consists of 13-man construction teams and undertakes small-scale public works projects in co-operation with the local governments. The Department of Defense, at the request of the Department of the Interior, provides the Civic Action Team for service in Palau. The team, specially trained for community co-operative projects, is outfitted with heavy excavating and construction equipment. The team is composed of 1 engineering officer, 11 enlisted construction specialists and 1 enlisted hospital corpsman/medic. The team works directly with the population on specific improvement projects, such as road construction and repair, water catchments, small bridges, jetty construction/repair and renewable energy programmes. The team also provides training in technical skills to three young Palauans and assisted in several community projects, trained several people in construction and provided health education and emergency treatment to villages.

D. Labour

92. In 1989, a total of 1,663 persons were employed by the Government of Palau, an increase of 207 over 1988. A further 3,091, half of whom were from the Philippines, were employed in the private sector.

93. The Palau Civil Service Pension Plan and Retirement Fund legislation was enacted in April 1987 to provide annuities and benefits to government employees and to encourage qualified personnel to enter government service. Employees and the Government make matching contributions of 6 per cent of their salary to the Fund.

E. Housing

94. During 1988, Palau received grants totalling $352,500 from the United States Community Development Block Grant Funds to cover housing renovation ($310,000) and administration ($42,500) expenses.

F. Public safety

95. The current annual report states that, as part of the general reduction of the operations of the Trust Territory administration in Saipan, the Office of the Attorney-General has been phased out completely. Most of the functions of that office have been transferred to the constitutional Governments of the Territory. Legal matters involving the Trust Territory are handled either by a contract attorney or the solicitor's office of the Department of the Interior.

96. The statutory laws of the Trust Territory are codified in the Trust Territory Code. Additional legal sources are the following: (a) the Trusteeship Agreement; (b) applicable United States laws, including executive orders of the President of the United States and orders of the Secretary of the Interior; (c) acts of the legislative body of the Republic of Palau; (d) the constitutions of the Governments; (e) rules and regulations issued pursuant to the law; (f) executive orders of the chief executives of the constitutional Governments; (g) municipal and state ordinances; (h) common law; and (i) customary law. The customary laws of the various parts of the Territory have the full force and effect of law, provided there is no conflict with statutory and other written laws specifically applicable in the Trust Territory.

97. The Bureau of Public Safety, which is responsible for maintaining order and protecting life and property in Palau, had a staff of 77 in 1989.

98. According to the current annual report, nine newly recruited police officers will attend the Micronesia-wide police training course to be held in the Federated States of Micronesia. Major crimes in Palau declined significantly, from 343 in 1987 to 179 in 1989. During 1989, there were 7 homicides, 36 aggravated assaults and 138 reported cases of theft with violence. The number of prisoners totalled 52 during the same period.

99. In recent years, Palau has pursued efforts to control illicit drugs by enforcing drug laws and providing neighbouring islands with information on drug smuggling in the region. In 1988, the Palau Drug Free Education Program was funded for three years in an effort to reduce alcohol- and drug-related problems. According to the current annual report, international drug traffic was significantly reduced when 13 Palauans were arrested in August 1989. They subsequently pleaded guilty to trafficking in heroin and marijuana.

G. Peace Corps

100. During the period under review, Peace Corps volunteers in Palau numbered 13. At the invitation of the Government of Palau, the Peace Corps serves in projects developed by the national and state governments. In September 1988, all volunteers were assigned to a Youth Program Development project in rural or outer island communities. Under a project initiated in 1987, all volunteers teach English as a second language in their respective communities.

V. EDUCATIONAL ADVANCEMENT

A. General

101. According to the 1987 report, the Trust Territory Office of Education was closed after the transfer of federal education programmes to the constitutional Governments. Each Government is considered a "state agency" in its own right and administers programmes according to the terms of each programme.

102. In Palau all the principal educational responsibilities handled by the former Trust Territory Office of Education were transferred to the Palau Bureau of Education, Ministry of Social Services.

103. Public expenditure on education in Palau amounted to $671 per pupil.

B. Primary and secondary education

104. During the period under review, elementary school enrolment totalled 2,784 pupils of whom 369 were in the 2 private elementary schools. There were 24 elementary public schools with 205 elementary teachers, most of whom were Palauans.

105. After eight years of compulsory elementary education, a student may enrol at the only public high school or at one of the five private (church affiliated) high schools.

106. During the period under review, secondary school enrolment totalled 1,035 pupils, of whom 445 were enrolled in private institutions.

107. The annual report states that during the period under review, 331 students took the entrance test to enter regular high school programmes. Only 60 per cent passed and were placed in the regular Palau High School programme. About 60 students, or 18 per cent were placed in the high school remedial programme; 73 students, or 22 per cent, who did not pass were enrolled in the five private high schools. The report further states that secondary school enrolment has been declining in recent years which may be the result of drop outs not returning to school as they had in previous years. Some students are also enrolled in schools outside Palau. The report estimates that for the past 11 years at least 75 per cent of students who graduate from Palau secondary schools go on to post-secondary education.

108. Specific programmes funded by United States Department of Education through federal-grant assistance included the following: (a) a bilingual education programme; (b) an education consolidation improvement programme; (c) a territorial teacher-training programme; (d) a state desegregation programme: and (e) a vocational rehabilitation programme, a drug-free education programme (see para. 99), a nutrition assistance programme, and a leadership development programme.

C. Higher education

109. In 1989, approximately 700 Trust Territory students were enrolled in various colleges and universities abroad, mostly on the United States mainland, Hawaii, Guam, Japan and Australia. Financial assistance for those students comes from United States federal aid, Palau national scholarships, Pacific Island student loans, family contributions and part-time employment.

D. Vocational training

110. In Palau, the main educational institution providing vocational training is the Micronesia Occupational College.

E. Teacher training

111. According to the current annual report, under the five-year education plan in Palau, all teachers must have a Bachelor of Arts degree by 1990. Currently an associate degree is required. In order to meet this requirement, the Palau Bureau of Education has entered into an agreement with the United States International University for an ongoing degree programme which has been conducted in Palau since Janaury 1987. During the period under review, it was reported that 66 teachers (mostly elementary) would complete their bachelor's degree by December 1989 and another 30 would complete their programmes by March 1990. Since 1981, the Bureau of Education of Palau has arranged extension courses for teachers with the University of Hawaii, the San José State University and the University of Guam with funds made available by the Trust Territory Training Assistance Programs.

F. Dissemination of information on the United Nations

112. In its 1985 annual report, 5/ the Administering Authority stated that it was ready to co-operate fully with the United Nations in any effort to improve the quality of the information provided on the Organization and to update the mailing and distribution lists.

VI. CONSTITUTIONAL DEVELOPMENT AND PROGRESS TOWARDS SELF-GOVERNMENT OR INDEPENDENCE

113. It will be recalled that negotiations concerning the future political status of the Trust Territory of the Pacific Islands began in 1969. In 1975, the people of the Northern Mariana Islands approved a Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America. 10/

114. Negotiations with regard to the rest of the Trust Territory, based on the concept of free association, continued over a period of years. The Federated States of Micronesia and the Marshall Islands approved the Compacts of Free

Association in plebiscites held in 1983, and the Congress of the United States approved them at the end of 1985 with some amendments. The President of the United States signed the Compacts as amended on 14 January 1986.

115. Background information regarding the Compact of Free Association for Palau is contained in previous reports of the Trusteeship Council to the Security Council and of United Nations visiting missions. 11/ (See also T/L.1269, paras. 114 to 131.)

116. At its fifty-third session, on 28 May 1986, the Trusteeship Council adopted, by 3 votes to 1, resolution 2183 (LIII), by which it noted that the peoples of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia and Palau had freely exercised their right to self-determination in plebiscites observed by the visiting missions of the Trusteeship Council and had chosen free association with the United States in the case of the Marshall Islands, the Federated States of Micronesia and Palau, and Commonwealth status in the case of the Northern Mariana Islands.

117. The Council requested the Government of the United States, in consultation with the four Micronesian Governments, to agree on a date not later than 30 September 1986 for the full entry into force of the Compact of Free Association and the Commonwealth Covenant, and to inform the Secretary-General of the United Nations of that date. The Council considered that the Government of the United States, as the Administering Authority, had satisfactorily discharged its obligations under the terms of the Trusteeship Agreement and that it was appropriate for the Agreement to be terminated with effect from the date mutually agreed upon. At the same session, the Trusteeship Council also recommended that the Administering Authority complete its internal process of approval of the Compact of Free Association for Palau at the earliest possible date.

118. In a letter dated 23 October 1986 (T/1903), the Permanent Representative of the United States to the United Nations informed the Secretary-General that, as a consequence of consultations held between his Government and the Government of the Marshall Islands, agreement had been reached that 21 October 1986 was the date upon which the Compact of Free Association with the Marshall Islands would enter fully into force. Further, the Permanent Representative informed the Secretary-General that the Compact of Free Association with the Federated States of Micronesia and the Commonwealth Covenant with the Northern Mariana Islands would enter into force on 3 November 1986.

119. At its fifty-fourth and fifty-fifth sessions, the Trusteeship Council recalled its resolution 2183 (LIII) and recommended that the process of approval of the Compact of Free Association for Palau should be completed at the earliest possible date. 12/

120. In its annual report to the Council at its fifty-fifth session, the Administering Authority stated that, according to Department of the Interior Secretarial Order No. 3119, the President of the United States had declared, in Proclamation No. 5564 of 3 November 1986, that the Trusteeship Agreement was no longer in effect as of 21 October 1986 for the Marshall Islands and as of

3 November with respect to the Federated States of Micronesia and the Northern Mariana Islands. The report further stated that until the future political status of Palau was resolved, the United States would continue to discharge its responsibilities as Administering Authority under the Trusteeship Agreement.

121. At its fifty-fifth session, the Trusteeship Council, at its 1657th meeting, on 27 May 1988, noted with satisfaction the assurances given by the Administering Authority that it would continue to fulfil its responsibilities under the Charter and the Trusteeship Agreement. 13/

122. In its annual report to the Council at its fifty-sixth session, the Administering Authority stated that it recognized its responsibilities under the Trusteeship Agreement and the Charter and assured the Council that fulfilment of those obligations was of the highest priority.

123. In its report at the fifty-sixth session of the Council, the Administering Authority stated that the United States Congress had considered legislation to implement the Compact of Free Association for Palau.

124. At its fifty-sixth session, in 1989, the Trusteeship Council again recalled its resolution 2183 (LIII).

125. In its current annual report, the Administering Authority states that during the period under review, there was no activity directed at aproving the Compact of Free Association by constitutional means. There was, however, a law passed by the Palau National Congress requiring a plebiscite to be held on the Compact between January and June of 1990.

126. At its fifty-sixth session, the Trusteeship Council noted the formation in Palau in February 1989 of the Commission on Future Palau/United States Relations to address certain concerns with regard to the proposed future relationship between the United States and Palau. It welcomed the fact that negotiations between representatives of the Commission and the United States authorities had resulted in the signature on 26 May 1989 of an agreement between the two sides. The Council hoped that that agreement would help to achieve an early completion of the process of approval of the Compact of Free Association, in accordance with the wishes of the people of Palau. 9/

127. In its current annual report, the Administering Authority states that it has been informed that the Commission was dissolved and reconstituted as a political education commission mandated to educate the people of Palau on the Compact of Free Association in anticipation of the next plebiscite. The Administering Authority states that it is prepared to assist the Government of Palau, if it so requests, in any appropriate endeavour leading to the final determination of a political status chosen by the people.

128. The current annual report also states that the Olbiil Era Kelulau enacted legislation in August 1989 mandating a seventh plebiscite on the Compact of Free Association between 1 January and 30 June 1990.

129. In a letter dated 19 December 1989 addressed to the Secretary-General (T/1940), the Permanent Representative of the United States requested the holding of a special session of the Trusteeship Council to consider the dispatch of a visiting mission to observe a plebiscite in Palau on the Compact of Free Association, to be held on 6 February 1990.

130. At its twentieth special session, held on 8 January 1990, the Council adopted resolution 2192 (S-XX), whereby it decided to send the above visiting mission.

131. The report of the United Nations Visiting Mission to Observe the Plebiscite in Palau, Trust Territory of the Pacific Islands, February 1990 has been transmitted to the current (fifty-seventh) session of the Trusteeship Council. Of a total of 7,621 valid votes cast, 4,633 or 60.8 per cent, were cast in favour of the Compact, and 2,988 or 39.2 per cent, were cast against. The Compact did not pass because of a constitutional stipulation that a 75 per cent majority was required. 8/

Notes

1/ 1986 Trust Territory of the Pacific Islands, October 1, 1985 to September 30, 1986, thirty-ninth annual report to the United Nations on the administration of the Trust Territory of the Pacific Islands, transmitted by the United States of America to the United Nations pursuant to Article 88 of the Charter of the United Nations (Department of the Interior).

2/ 1989 Trust Territory of the Pacific Islands, October 1, 1988 to September 30, 1989, forty-second annual report to the United Nations on the administration of the Trust Territory of the Pacific Islands, transmitted by the United States of America to the United Nations pursuant to Article 88 of the Charter of the United Nations (Department of the Interior).

3/ The currency of the Territory is the United States dollar ($US).

4/ For the conclusions and recommendations of the Trusteeship Council at its fifty-second session, see Official Records of the Security Council, Fortieth Year, Special Supplement No. 1 (S/17334 and Corr.1), para. 325.

5/ 1985 Trust Territory of the Pacific Islands, October 1, 1984 to September 30, 1985, thirty-eighth annual report to the United Nations on the administration of the Trust Territory of the Pacific Islands, transmitted by the United States of America to the United Nations pursuant to Article 88 of the Charter of the United Nations (Department of the Interior).

6/ 1987 Trust Territory of the Pacific Islands, October 1, 1986 to September 30, 1987, fortieth annual report to the United Nations on the administration of the Trust Territory of the Pacific Islands, transmitted by the United States of America to the United Nations pursuant to Article 88 of the Charter of the United Nations (Department of the Interior).

Notes (continued)

7/ Trusteeship Agreement for the Trust Territory of the Pacific Islands (United Nations publication, Sales No. 1957.VI.A.1).

8/ For the report of the Mission, see Official Records of the Trusteeship Council, Fifty-seventh Session, Supplement No. 1 (T/1942).

9/ Official Records of the Security Council, Forty-fourth Year, Special Supplement No. 1 (S/20843), para. 172.

10/ For the text of the Covenant, see Official Records of the Trusteeship Council, Forty-second Session, Sessional Fascicle, annexes, document T/1759.

11/ Official Records of the Security Council, Fortieth Year, Special Supplement No. 1 (S/17334 and Corr.1); Official Records of the Trusteeship Council, Fiftieth Session, Supplement No. 3 (T/1851); ibid., Fifty-third Session, Supplement No. 1 (T/1878); ibid., Supplement No. 2 (T/1885); ibid., Fifty-fourth Session, Supplement No. 2 (T/1919); ibid., Supplement No. 3 (T/1920); ibid., Fifty-sixth Session, Supplement No. 1 (T/1935); and ibid., Fifty-seventh Session, Supplement No. 1 (T/1942).

12/ Official Records of the Security Council, Forty-second Year, Special Supplement No. 1 (S/19596), para. 202.

13/ Ibid., Forty-third Year, Special Supplement No. 1 (S/20168), para. 120.

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Agenda item 6

REPORT OF THE UNITED NATIONS VISITING MISSION TO OBSERVE THE PLEBISCITE IN PALAU, TRUST TERRITORY OF THE PACIFIC ISLANDS, FEBRUARY 1990

China, France and United Kingdom of Great Britain and Northern Ireland: draft resolution

The Trusteeship Council,

Having examined at its fifty-seventh session the report of the United Nations Visiting Mission, 1/ dispatched by the Trusteeship Council at the invitation of the Administering Authority to observe the plebiscite in Palau, Trust Territory of the Pacific Islands, held on 6 February 1990,

1. Takes note of the report of the Visiting Mission;

2. Expresses its appreciation of the work accomplished by the Visiting Mission on its behalf.

1/ Official Records of the Trusteeship Council, Fifty-seventh Session, Supplement No. 1 (T/1942 and Corr.1).

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UNITED
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Agenda item 13

REPORT OF THE TRUSTEESHIP COUNCIL TO THE SECURITY COUNCIL

Report of the Drafting Committee

1. At its 1679th meeting, on 29 May 1990, the Trusteeship Council appointed a drafting committee composed of the representatives of France and the United Kingdom of Great Britain and Northern Ireland to prepare draft conclusions and recommendations of the Trusteeship Council at its fifty-seventh session to be included in its report to the Security Council.

2. The Drafting Committee held one meeting on 29 May and conducted consultations with members of the Council on 30 and 31 May 1990.

3. Following these consultations, the Drafting Committee decided to forward the draft conclusions and recommendations set out in the annex to the present report to the Council for its consideration.

Annex

DRAFT CONCLUSIONS AND RECOMMENDATIONS

A. Political advancement

1. The Trusteeship Council recalls its resolution 2183 (LIII) of 28 May 1986.

2. The Council notes that at the plebiscite held in Palau on 6 February 1990, the Compact of Free Association did not obtain the 75 per cent majority necessary for ratification. It notes also the statement of the representative of the Government of Palau in the Trusteeship Council on 21 May 1990 that the leadership of Palau is currently reviewing possible options with respect to the resolution of Palau's future political status. In this regard, it welcomes the assurance of the Administering Authority in its annual report on the Trust Territory 1/ that it is prepared to assist the Government of Palau, at its request, in any appropriate endeavour leading to the final determination of a political status chosen by the people of Palau.

B. Economic, social and educational advancement

3. The Council notes that the peoples of the Trust Territory, in the exercise of their right to self-government as set out in Article 76 b of the Charter of the United Nations, have elected to assume full responsibility for administration in the economic, social and educational fields.

4. The Council considers that any difficulties over the interpretation of the new status agreements should be resolved bilaterally by the parties concerned in accordance with the procedures mutually agreed and laid down in the relevant new status agreements.

5. The Council notes the concerns of the Government of Palau regarding economic development and self-sufficiency. It shares the view that continued efforts are needed in this regard. It welcomes the recent improvements reported in the tourism and fisheries sectors.

6. The Council welcomes the steps taken by the Administering Authority to assist Palau in particular in the areas of fisheries enforcement, the campaign against drug trafficking and abuse, public health and safety, and the operation and maintenance of public works facilities. It hopes that further progress will continue to be made in these fields.

C. General

7. The Council notes with satisfaction the assurances given by the Administering Authority that it will continue to fulfil its responsibilities under the United Nations Charter and under the Trusteeship Agreement. 2/

Notes

1/ 1989 Trust Territory of the Pacific Islands, October 1, 1988 to September 30, 1989, forty-second annual report to the United Nations on the administration of the Trust Territory of the Pacific Islands, transmitted by the United States of America to the United Nations pursuant to Article 88 of the Charter of the United Nations (Department of the Interior).

2/ Trusteeship Agreement for the Trust Territory of the Pacific Islands (United Nations publication, Sales No. 1957.VI.A.1).

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